

REMARKS

Applicant notes that the Examiner has still not returned an initialed copy of the PTO/SB/08 form submitted with the *Information Disclosure Statement* filed August 6, 2003. **Applicant requests that the Examiner return an initialed copy of this form with the next Action.**

Status of the Application

Claims 1-43 are all the claims pending in the Application, as claims 32-43 are hereby added. Claims 1-6, 8-16 and 18-21 and 23-31 stand rejected.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 7, 17 and 22 would be allowed if rewritten in independent form. However, Applicant respectfully requests that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

Obviousness Rejection

The Examiner has rejected: (1) claims 1, 2, 4-6, 8-16 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Tanabe et al.* (US 5,950,808; hereinafter “*Tanabe*”) in view of *Sadamori et al.* (US 5,924,555; hereinafter “*Sadamori*”); and (2) claims 3, 19-21 and 23-31 under 35 U.S.C. § 103(a) as being unpatentable over *Kuriyama* (US 6,586,689 B2; hereinafter “*Kuriyama*”) in view of *Tanabe* and *Boulanger* (US 4,086,451; hereinafter “*Boulanger*”). These rejections are respectfully traversed.

Independent Claims 1 and 2

The Examiner alleges that *Tanabe* discloses almost all of the features recited in independent claims 1 and 2, but concedes that *Tanabe* fails to teach or suggest that the “rigid member” (alleged to be projection 38 and/or EL element 15) is “supported by a side of said resin sheet facing the protrusion part.”

The Examiner attempts to correct the conceded deficiencies of *Tanabe* by applying a secondary reference, *Sadamori*, alleging that it discloses that “a rigid member is supported by a side of the resin sheet facing the protrusion part” (O.A., pg. 3, lines 6-7), and that one of ordinary skill in the art at the time of the invention (hereinafter “one of skill”) would have been motivated to utilize a full resin sheet between a rigid member and a spring member, rather than separate sheets for each spring member, to “reduce the number of parts and ... the number of manufacturing steps while maintaining the proper operation of the switches.”

Applicants disagree, and respectfully submit that : (1) the Examiner’s reading of *Sadamori* is incorrect; and (2) the Examiner’s proposed modification of *Tanabe* in view of *Sadamori* is unreasonable.

First, Applicant respectfully submits that *Tanabe*’s EL element 15 / spacer 37 / projection 39 combination cannot reasonably be read as having any equivalence to *Sadamori*’s push button 7, as *Sadamori*’s push button 7 is constructed of “flexible rubber or resin,” (col. 4, line 66) and is therefore completely different than *Tanabe*’s EL element 15 / spacer 37 / projection 39, and would therefore have different interfacing properties to its underlying substrate. Thus, Applicants respectfully submit that one of skill would not have looked to *Sadamori* to improve *Tanabe*.

Second, Applicant respectfully submits that the Examiner's proposed modification of *Tanabe* is contrary to the specific disclosure of *Tanabe*. For example, the embodiments shown in FIGS. 12 and 13 provide a diaphragm 35 supporting resin film 36 within a cavity formed by spacers 37, which are arranged directly on substrate 32. Neither spacers 37 nor EL element 15 are provided on resin film 36, and such an arrangement is specifically indicated to be better than that of the interposed resin sheet 20 of Figures 9 and 11, inasmuch as a "crisp and better click feeling" and a "thin configuration" can be obtained (col. 14, lines 36-40). Accordingly, Applicant respectfully submits that one of skill would not have been motivated to modify the embodiments shown in FIGS. 12 and 13 of *Tanabe* to utilize such an interposed resin sheet, as these benefits would be eliminated.

Thus, Applicant respectfully submits that independent claims 1 and 2 are patentable over the applied references.

Independent Claim 4

The Examiner alleges that a combination of *Tanabe* and *Sadamori* discloses all of the features of independent claim 4. Applicant respectfully submits that one of ordinary skill in the art at the time of the invention would not have been motivated to modify *Tanabe* in view of *Sadamori* for at least the reasons discussed above with respect to independent claims 1 and 2.

Additionally, Applicant respectfully submits that even the proffered combination of *Tanabe* and *Sadamori* would fail to teach or suggest independent claim 4's recitation that "said substantially rigid member is substantially planar," as the portions of *Tanabe* (EL element 15 / spacer 37 / projection 39) and *Sadamori* (push button 7 / operating section 7A / depressing

portion 7B) alleged by the Examiner to have some correspondence to the recited “substantially rigid member” cannot reasonably be read as being “substantially planar.”

Thus, Applicant respectfully submits that independent claim 4 is patentable over the applied references. Further, Applicant respectfully submits that rejected dependent claims 5, 6, 8-16 and 18 are allowable, *at least* by virtue of their dependency.

Independent Claims 19 and 23-26

As noted above, the Examiner relies upon a combination of *Kuriyama*, *Tanabe* and *Boulanger* to reject independent claims 19 and 23-26.

Specifically, the Examiner alleges that *Kuriyama*’s: contacts 35, 36; adhesive sheet 39; and key 40 are similar to the “spring members;” “resin sheet;” and “actuator” (or “execution key” or directional key”) recited in claims 19 and 23-26. However, the Examiner seems to concede that *Kuriyama* fails to also teach or suggest the “substantially rigid member” with “protrusion parts” and a “circumferential part,” that is also recited in these claims.

The Examiner then attempts to correct the conceded deficiencies of *Kuriyama* by alleging that: (1) *Tanabe*’s projection 38 (and EL element 15) is comparable to the “rigid member” (and its “circumferential portion”); and (2) *Boulanger*’s protrusions 42 are comparable to the “plurality of protrusion parts,” recited in independent claims 19 and 23-26. Further, the Examiner alleges that one of skill would have been motivated to modify *Kuriyama* “to include a substantially rigid member including [the] protrusion parts [of *Boulanger*] and [the] circumferential part [of *Tanabe*] between the actuator [40] and the resin sheet [39] ... for the purpose of focusing the force applied on the center of the spring member ensuring proper operation and feel of the switches” (O.A., pgs. 4-5).

Applicant respectfully disagrees, and respectfully submits that one of skill would not have been motivated to modify *Kuriyama* in view of either *Tanabe* or *Boulanger* as the Examiner alleges.

First, Applicant cannot find any teaching or suggestion of the Examiner's specific reasoning to modify *Kuriyama* (*i.e.*, "to focus the force applied") disclosed anywhere in any of the three cited references. Thus, Applicant respectfully submits that the Examiner's reasoning is unsupported, and seems only to come from the instant Application, the use of which is improper hindsight reasoning.

Second, *Kuriyama* is directed to a specific arrangement of keytop 40 with respect to frame 70 so that keytop 40 does not depress multiple switches simultaneously (at least when such depression is not desired). The disclosed arrangement relies on specific gaps and arrangements between the keytop 40, frame 70 and switches 35, 36, and the individual interaction between protrusions (*e.g.*, 4PP) and movable contacts 36. Thus, Applicant respectfully submits that there would have been no motivation to interpose a rigid member between keytop 40 and switches 35, 36, and that the Examiner has failed to explain (or cite any portion of either reference that shows) how or why one of ordinary skill would have added the features of *Tanabe* or *Boulanger* to *Kuriyama*.

Third, *Tanabe*'s EL element 15 / projection 38 combination and *Boulanger*'s carrier sheet 34 / member 40 combination are specifically designed to be the topmost portions of their disclosed switches, as EL element 15 provides an illuminated key indication (col. 13, lines 52-54) and carrier sheet 34 provides switch indicia thereon (col. 4, line 4). Thus, as the entire purpose of these members is to provide a surface for user interaction, Applicant respectfully

submits that one of skill would not arrange these surfaces underneath an actuator or key such as key 40 of *Kuriyama*.

Thus, Applicant respectfully submits that independent claims 19 and 23-26 are patentable over the applied references. Further, Applicant respectfully submits that rejected dependent claims 20, 21 and 27 are allowable, *at least* by virtue of their dependency.

Independent Claim 3

As noted above, the Examiner relies upon a combination of *Kuriyama*, *Tanabe* and *Boulanger* to reject independent claim 3, for reasons similar to that discussed above with respect to independent claims 19 and 23-26.

Applicant respectfully submits that one of ordinary skill in the art at the time of the invention would not have been motivated to modify *Kuriyama* in view of *Tanabe* and *Boulanger*, for at least the reasons discussed above with respect to independent claims 19 and 23-26.

Additionally, Applicant respectfully submits that even the proffered combination of *Kuriyama*, *Tanabe* and *Boulanger* would fail to teach or suggest independent claim 3's recitation that "said substantially rigid member is supported by a side of said resin sheet facing the plurality of protrusion parts," as the alleged "connection" between projection 14, 38 and resin film 36 in *Tanabe* can only be interpreted as being provided on a side of resin film 36 facing away from projection 14, 38.

Thus, Applicant respectfully submits that independent claim 3 is patentable over the applied references.

New Claims

Claims 32-43 are hereby added. Claims 32-43 are dependent from one of the independent claims 4, 19 and 23-26, are fully supported *at least* by pars. 56 and 57 of the instant Application, and are respectfully submitted to be allowable both by virtue of their dependency, and by virtue of the features recited therein.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-43 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-43.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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